

CITY OF SEGUIN

**AN ORDINANCE OF THE SEGUIN CITY COUNCIL AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 22, BUSINESSES, ARTICLE II, FOOD SERVICE ESTABLISHMENTS TO PROVIDE FOR A VARIANCE FROM STATE RULES TO PERMIT DOGS IN OUTSIDE EATING AREAS; PROVIDING FOR PROCEDURES; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES**

**WHEREAS**, animals allowed in restaurants in accordance with the food establishment rules found in the Texas Administrative Code, Section 229.167(p)(15); and

**WHEREAS**, the Texas Administrative Code permits a City to establish a variance from these rules that would allow dogs in outside eating areas under certain circumstances; and

**WHEREAS**, pet friendly restaurants are increasing in popularity and several Seguin food service establishment have requested that a variance procedure be adopted.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of Seguin, Texas:

**SECTION ONE.** The Seguin Code of Ordinances, Chapter 22, Business, Article II, Food Services Establishments, is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

**Sec. 22-27. - Penalties for violations.**

(a) Any person or employee who shall violate this article shall, upon conviction, be punished pursuant to section 1-14

(b) Any person who shall operate or permit the operation on his behalf of any food establishment, place or equipment in violation of this article shall, upon conviction, be punished pursuant to section 1-14, Seguin Code of Ordinances.

(c). An owner, offer, manager or other person in charge of a food service establishment commits an offense if he, either personally or through an employee or agent, violates allows a violation of, or fails to comply with a term or condition of a variance granted under Sections 22-32 and 22-33.

**22-32. Procedures to apply for a variance to permit dogs in outdoor dining area.**

a. In accordance with the rules set forth in this section a food service establishment may apply for a variance to Section 229.167(p)(15) of the Texas Food Establishment wherein animals are not allowed in any part of a food service establishment.

b. To apply for a variance the food establishment must:

- i. Have an outdoor dining area accessible by some means other than through the inside portion of the food service establishment; and
- ii. Complete an application for a variance on the form provided by the City; and
- iii. Pay the requisite fee set forth in Appendix C of the Seguin Code of Ordinances; and
- iv. Agree to abide by the conditions and standards set forth Section 22-33 of the Seguin Code of Ordinances and any additional conditions required by the city environmental health supervisor.

**Sec. 22-33. Rules applicable to variance allowing dogs in outdoor dining area.**

A variance to permit dogs in the outdoor dining area is premised on the following conditions:

- a. No dog may be present inside the food service establishment or any playground area of the food service establishment at any time.
- b. A separate entrance must be provided from the outside of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog on an outdoor patio may not be allowed within seven feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.
- c. A sign must be posted at the front entrance of the food establishment so that it is easily visible to the public. The sign must state: "DOG FRIENDLY PATIO (with an arrow showing the direction to the patio entrance) DOG ACCESS ONLY THROUGH PATIO AREA.
- d. No food preparation may be performed in the outdoor patio area.
- e. The food service establishment shall have hand sanitizer available at or near all entrances and exits to the patio and bags for dog waste available at or near all entrances and exits to the outdoor patio area.
- f. While on duty, wait staff or other food handlers at the food establishment may not pet or have contact with any dog.
- g. A dog must be kept on a leash and remain in the control of the customer while in the outdoor patio area. The dog must be currently vaccinated for rabies and wearing a collar or harness with a current license tag attached to it, when applicable.
- h. A dog is not allowed on a seat, table, countertop, or similar surface in the outdoor patio area.
- i. A dog is not allowed to have contact with any dishes or utensils used for food service or preparation at the food establishment.

j. A dog may not be given any food, including but not limited to, dog kibble, biscuits and edible treats, while in the outdoor eating area, but may be given water in a disposable container or from a container provided by the customer.

k. The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related waste or debris. Waste created from a dog's bodily functions must be cleaned up with animal friendly chemicals within five minutes after each occurrence. All dog waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment.

**SECTION TWO.** The Seguin Code of Ordinances, Appendix C – Fee Schedule, Chapter 22, Businesses, Article II is amended as follows (underlining indicates added text, strikethrough indicates deleted text):

<i>Article II. Food Service Establishments</i>				
<b>(a)</b>	The annual food service establishment fee shall be based on the number of employees at each facility and as follows:			
		1—5 employees .....	<b>200.00</b>	
		6—19 employees .....	<b>300.00</b>	
		20 + employees .....	<b>500.00</b>	
		Schools .....	<b>48.00</b>	
		Nonprofits .....	<b>No fee</b>	
<b>(b)</b>	Food establishment employee certificate (for three years) .....			<b>12.00</b>
				<b>22-93(b)</b>
<b>(c)</b>	<del>The annual food service establishment fee shall be based on the number of employees at each facilities and as follows:</del> <u>Fee for variance application to allow dogs in outdoor dining area.</u>			<b>25.00</b>
<b>(d)</b>	<u>Annual fee to renew variance for dogs in outdoor dining area</u>			<b>25.00</b>

**SECTION THREE.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION FOUR.** All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION FIVE.** City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

**SECTION SIX.** This ordinance shall be effective upon ten (10) days following passage on second reading.

**PASSED AND APPROVED** on first reading on the 3<sup>rd</sup> day of March, 2015.

**PASSED AND APPROVED** on second reading on the 17<sup>th</sup> day of March, 2015.

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DON KEIL  
Mayor

ATTEST:

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Thalia Stautzenberger  
City Secretary